

II. REMARKS

Claims 1, 2, 5 to 13 and 22 are pending.

A. Regarding the claim amendments

Claim 1 has been amended to more clearly indicate that the UTR sequence attached to the erythropoietin polypeptide comprises SEQID NOS:6 or 7. The amendment is supported in the specification, for example, at page 6, lines 21-29.

Claim 12 has been amended to more clearly indicate that the recited cell is isolated. The amendment is supported in the specification, for example, at page 14, lines 19-21.

Because all of the amendments made herein are fully supported by the specification, no issue of new matter arises.

B. Regarding indefiniteness

Claims 1, 2 and 5 to 13 are rejected as allegedly indefinite. Applicant traverses the rejection.

Claim 1 (and, via dependency, claims 2 and 5 to 13) is rejected because it is alleged that it is not clear what the chimeric polynucleotide encompasses. In response, claim 1 has been amended to more clearly indicate the language recited in claim 22, as suggested by the Action.

Claim 12 is also rejected because it is alleged to be unclear whether the recited cell reads on a cell in tissue culture or a transgenic animal. In response, claim 12 has been amended to recite that the claimed cell is isolated, as suggested by the Action.

In view of the amendments made herein, Applicant respectfully requests that this rejection be withdrawn.

III. CONCLUSION

All of the issues raised in the Office Action have been addressed and are believed to have been overcome. Accordingly, it is respectfully submitted that all the claims under examination in the subject application are allowable. Therefore Applicants respectfully request a Notice of Allowance to this effect.

Respectfully submitted,

A handwritten signature in cursive script, reading "Martin D. Moynihan".

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